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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/765,404 | 01/26/2004 | Richard A. Samsel | 5031-198CT | 2204 |
| 20792 | 7590 | 09/07/2004 | EXAMINER | |
| MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627 | | | HO, THOMAS Y | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3677 | |

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|------------------------------------|-----------|
| Office Action Summary | Application No. 10/765,404 | Applicant(s) SAMSEL, RICHARD A. | |
| | Examiner Thomas Y Ho | Art Unit 3677 | <i>mw</i> |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>06102004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 25-28 are currently pending. Claims 1-24 have been withdrawn or cancelled.

Claim Objections

Claim 26 is objected to because of the following informalities: in the second line of the second-to-last paragraph, the word “members” should be corrected to --member--; also, in the second-to-last line, the phrase “said upper and lower release members” lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Hood

US1847564.

As to claim 25, Hood (Figure 1) discloses: a storage cabinet comprising: a container having a floor, upright side walls and, a rear wall attached to and extending upwardly from said floor, and a ceiling attached to said side walls and rear wall, said floor, side walls, rear wall, and ceiling defining a storage cavity; a vertical support member (the front wall portion between and under the doors) extending upwardly from said floor; at least one door pivotally attached to one of said side walls and movable between an open position, in which said cavity is accessible from a position forward thereof, and a closed position, in which said door contacts said support

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member and prevents access to said cavity from a position forward thereof; and a latching mechanism 5/6/22 attached to said support member, said latching mechanism including at least one release member 26 protruding forwardly from said support member and being movable from a latched position, in which said latching mechanism latches said door in the closed position, and an unlatched position, in which said latching mechanism allows said door to move to the open position, the at least one release member being mounted between about 3 and 24 inches above a surface (floor) underlying the cabinet; wherein said latching mechanism includes a generally vertically disposed post 22, said post being slidably mounted on said support member for vertical movement relative thereto, said post being attached to said at least one release member.

As to claim 26, Hood discloses, a storage cabinet comprising: a container having a floor, upright side walls and a rear wall attached to and extending upwardly from said floor, and a ceiling attached to said side walls and rear wall, said floor, side walls, rear wall, and ceiling defining a storage cavity; a vertical support member extending upwardly from said floor; two doors, each pivotally attached to the cabinet on opposite sides of the support member, and each movable about respective pivot axes located on opposite sides of the support member between an open position, in which said cavity is accessible from a position forward thereof, and a closed position, in which said door contacts said support member and prevents access to said cavity from a position forward thereof; and a latching mechanism attached to said support member, said latching mechanism including at least one release member protruding forwardly from said support member, the at least one release member being movable from a latched position to an unlatched position; wherein said doors may be transitioned from a latched condition, in which said latching mechanism latches said doors in the closed position in which the doors are in side-

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by-side relationship, to an unlatched condition, in which said latching mechanism allows said doors to move to the open position, by moving either of said upper 20 and lower 26 release members from its latched position to its unlatched position.

As to claim 27, Hood discloses, wherein the at least one release member is mounted between about 3 and 24 inches above a surface underlying the cabinet.

As to claim 28, Hood discloses, wherein the at least one release member is two release members (the release members are composed of many parts; any of these parts can be interpreted as separate release member), and one of the release members is mounted between about 48 and 72 inches above a surface underlying the cabinet.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US1319603 to Monfet discloses a cabinet.
2. US1661370 to Kaser discloses a locker.
3. US1702385 to Kaser discloses a locker.
4. US1716169 to Hart discloses a locker.
5. US1955525 to Bales discloses a locker.
6. US4813726 to Ravinet discloses a panel arrangement.
7. US5061022 to Meriwether discloses a door closing mechanism.
8. US5622416 to Rainey discloses a foot pedal door opener device.
9. US5794844 to Jenkins disclose a locking system.
10. US5785363 to Stopfer discloses a latching mechanism for doors and drawers.

11. US6224118 to Ashford discloses a child resistant latch system.

12. US6422612 to Hays discloses a latch mechanism for a cabinet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH



ROBERT J. SANDY
PRIMARY EXAMINER